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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 71/106, the Secretary-General submitted to the Assembly at its seventy-second session a report on the question of Western Sahara (A/72/346). The report covered the period from 1 July 2016 to 30 June 2017 and contained a review of the activities carried out by the Secretary-General in the exercise of his good offices.

2. During the period under review, pursuant to Security Council resolution 2285 (2016), the Secretary-General also submitted a report on 10 April 2017 to the Council on the situation concerning Western Sahara (S/2017/307). The present working paper summarizes that report, with additional information regarding the consideration of that question by the Security Council and the General Assembly provided in parts II and III, respectively.

3. In its resolution 2285 (2016), the Security Council called upon all parties to cooperate fully with the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including its free interaction with all interlocutors, and to take the steps necessary to ensure the security of and unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements. The Council also called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in pursuing their negotiations on the future status of Western Sahara. It requested the Secretary-General to brief the Council on the implementation of the resolution, the challenges to MINURSO operations and the steps taken to address them. The Council decided to extend the mandate of MINURSO until 30 April 2017.

4. The report of the Secretary-General to the Security Council (S/2017/307) covered developments since his previous report, dated 19 April 2016 (S/2016/355), and provided, among other things, information on the situation on the ground, the status and progress of the political negotiations on Western Sahara, the

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implementation of resolution 2285 (2016), and the existing challenges to the Mission's operations and the steps taken to address them. The report concluded with observations and recommendations.

5. In the report, the Secretary-General informed the Security Council that, on 25 February 2017, he had issued a statement strongly urging Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) to unconditionally withdraw all armed elements from the buffer strip near Guerguerat, to adhere to the letter and spirit of their obligations under the ceasefire agreement and to refrain from obstructing regular commercial traffic. On 26 February, Morocco announced its unilateral withdrawal from the buffer strip so as "to immediately apply and respect the request made by the United Nations Secretary-General". On 7 October 2016, insofar as MINURSO could ascertain, legislative elections were held without incident in Morocco and in the part of Western Sahara under Moroccan control. On 6 November 2016, King Mohammed VI delivered an address to mark the forty-first anniversary of the Green March. Regarding Western Sahara, the King stated that Morocco's "southern provinces" were strong "thanks to their populations' commitment to their Moroccan nationality and to the nation's political system". In the address, he also praised "the specific development model and projects launched in the region", and the potential for Western Sahara "to become an integrated development hub, at both the regional and continental levels, and a platform for economic cooperation between Morocco and Africa". He also indicated that Morocco would "remain open and ever ready to engage in constructive dialogue in order to find a final political settlement". In addition, the Secretary-General noted that, in a letter to his predecessor dated 24 September 2016, the Secretary-General of Frente Polisario had denounced Morocco's conduct of elections in Western Sahara, calling them an "illegal and provocative act, given its status as a Non-Self-Governing Territory". On 31 May 2016, the Secretary-General of Frente Polisario, Mohammed Abdelaziz, passed away. Brahim Ghali was elected as his successor at an extraordinary congress, held on 8 and 9 July, following his nomination by the National Secretariat of Frente Polisario.

6. The Secretary-General indicated that, in June 2016, the Personal Envoy of the Secretary-General for Western Sahara had begun consulting with the parties and neighbouring States on a resumption of the negotiating process. In a letter dated 29 July addressed to both parties and both neighbouring States, the Personal Envoy formalized his request and indicated his desire to visit the region before the seventy-first session of the General Assembly to review recent developments and their implications, as well as the regional situation. Algeria and Mauritania and Frente Polisario responded that they were ready to receive the Personal Envoy at any time. Morocco replied positively, in principle, but deferred providing a concrete response. On 2 September, the Permanent Representative of Morocco to the United Nations informed the Personal Envoy that Morocco preferred to receive him after the new Government had formed, following the legislative elections held on 7 October.

7. On the margins of the seventy-first session of the General Assembly in September 2016, the Personal Envoy met with senior representatives of both parties and both neighbouring States. The then-Minister Delegate to the Minister for Foreign Affairs and Cooperation of Morocco, Nasser Bourita, reiterated that his country remained "a defender of, and engaged in, the negotiating process, to which it was committed on the basis of its autonomy initiative". He noted that, for Morocco, the conflict was a regional dispute with Algeria. He also indicated that the Personal Envoy would be welcome to visit Morocco after the new Government had been formed and, ideally, after the conclusion of the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Marrakech, Morocco (7–18 November 2016). A member of the National

Secretariat of Frente Polisario, Mohammed Salem Ould Salek, expressed regret over the lack of progress in the negotiating process. He emphasized the eagerness of Frente Polisario for the process to resume and reiterated its readiness to receive the Personal Envoy. He also described the difficulty that Frente Polisario was facing in maintaining the commitment of Western Saharans to the 1991 ceasefire in the absence of any progress towards the referendum for which the ceasefire had been established.

8. The Minister of State and Minister for Foreign Affairs and International Cooperation of Algeria, Ramtane Lamamra, underscored the importance of reviving the negotiating process, welcomed the proposed visit by the Personal Envoy and stressed that his country would play a positive role in support of the parties once the process was once again under way. The Minister for Foreign Affairs and Cooperation of Mauritania, Isselkou Ould Ahmed Izid Bih, also welcomed the visit by the Personal Envoy and stressed his country's concern regarding the security situation in the region, including what he regarded as worrisome developments in the Guerguerat region of Western Sahara, as well as the need to resolve the overall conflict in order to improve the living conditions for all the populations of North Africa through economic integration.

9. The Secretary-General noted that, on 15 November 2016, his predecessor had met with King Mohammed VI on the margins of the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and had underscored the importance of making progress in the Western Sahara negotiating process, as called for in the relevant Security Council resolutions.

10. The Secretary-General also noted that his Personal Envoy had sent him a letter dated 23 January 2017 tendering his resignation.

11. With regard to the activities of MINURSO, the Secretary-General reported that local cooperation with the Mission's team site commanders had been maintained at a generally satisfactory level by both parties. West of the berm, MINURSO recorded four general violations by the Royal Moroccan Army in addition to the nine long-standing violations indicated in previous reports. East of the berm, MINURSO observed and recorded eight general violations, in addition to the three long-standing violations indicated in previous reports.

12. On mine action, the Secretary-General informed the Security Council that landmines and explosive remnants of war had continued to pose a threat to the Mission's ceasefire monitoring efforts. As at 15 March 2017, a total of 50 cluster bomb strike areas and 36 minefields remained east of the berm. In support of the Mission's ceasefire monitoring, the mine action coordination centre conducted clearance of landmines and explosive remnants of war, route verification east of the berm and landmine safety training for incoming MINURSO staff. The Secretary-General indicated that the security environment in the Mission's area of responsibility remained vulnerable to potential regional instability.

13. On substantive civilian activities, the Secretary-General indicated that, notwithstanding the significantly reduced international staff capacity of the Mission and the onset of the crisis in Guerguerat, the Special Representative of the Secretary-General for Western Sahara had endeavoured to maintain sustained contact with the parties, primarily through their respective coordination offices. The Secretary-General also indicated that the significant increase in tensions stemming from the situation in Guerguerat had led to increased criticism of MINURSO and the United Nations by both parties for their perceived inability to resolve the stalemate.

14. The Secretary-General indicated that, as noted in previous reports, the parties had significantly divergent interpretations of the Mission's mandate. He also noted that it had become clear that some aspects of the implementation of the mandate

remained subject to the agreement of the parties. In addition, the ability to perform all standard peacekeeping functions, including independent reporting on developments in and related to Western Sahara, remained key to an effective response to the expectations and requests of the Security Council.

15. The Secretary-General indicated that the International Committee of the Red Cross had continued to act as a neutral intermediary between the parties, working with the families of individuals who were still unaccounted for in relation to past hostilities.

16. With regard to assistance to and protection of Western Saharan refugees, the Secretary-General indicated that the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued to provide international protection to Western Saharan refugees living in the five camps near Tindouf and, together with its partners, delivered life-saving assistance and livelihood activities, targeting young people in particular. This included multisectoral activities in the areas of protection, shelter, water and sanitation, health, nutrition, education, provision of non-food items and livelihoods. Pending the consideration of the registration of the refugees in the camps near Tindouf, as requested by the Security Council in its resolution 2285 (2016), the humanitarian assistance provided by UNHCR and the World Food Programme continued to be based on a planning figure of 90,000 vulnerable refugees, with the latter providing an additional 35,000 food rations to persons with poor nutritional status, for a total of 125,000 monthly food rations. The Secretary-General noted that operations continued to be affected by underfunding, high-level efforts to mobilize additional assistance notwithstanding.

17. The Secretary-General informed the Security Council that the confidence-building measures programme stipulated in the plan of action of 2012 had been suspended since June 2014 and that, while continuing its dialogue with the parties, UNHCR remained ready to facilitate the prompt resumption of the programme.

18. The Secretary-General also informed the Security Council that representatives of the Office of the United Nations High Commissioner for Human Rights last visited Laayoune and Dakhla from 2 to 18 April 2015 and Tindouf from 29 July to 4 August 2015. The special procedures mandate holders of the Human Rights Council did not visit Western Sahara during the reporting period. The Government of Morocco has maintained its request that the follow-up visit to Western Sahara by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, originally scheduled for April 2015, be delayed. During the period under review for the report of the Secretary-General to the Security Council, Frente Polisario continued to express its readiness to cooperate with United Nations human rights mechanisms.

19. In his observations and recommendations, the Secretary-General indicated that the conflict over the future legal status of Western Sahara must come to an end as soon as possible to enable the region to confront security threats, economic challenges and human suffering in a coordinated and cooperative manner. Despite the achievements of two consecutive Personal Envoy mandate holders in providing the necessary facilitative framework, the parties have not taken advantage of the framework to engage in a cooperative search for a solution in accordance with the guidance of the Security Council. The Secretary-General also indicated that, on the basis of consultations with the parties and neighbouring States, members of the Group of Friends on Western Sahara and the Security Council, as well as other important stakeholders, he intended to propose relaunching the negotiating process with a new dynamic and a new spirit that reflected the Council's guidance, with the aim of reaching a mutually acceptable political solution that included a resolution of the dispute over the legal status of Western Sahara, including through agreement on the nature and form of the exercise of self-determination. For progress to be made,

the negotiations must take into consideration the proposals and ideas of both parties. Algeria and Mauritania, as neighbouring countries, could and should make important contributions to that process.

II. Consideration by the Security Council

20. Following its consideration of the report of the Secretary-General, the Security Council unanimously adopted resolution 2351 (2017) on 28 April 2017, by which the Council affirmed its full support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in the context of relaunching the negotiating process with a new dynamic and a new spirit leading to the resumption of a political process with the aim of reaching a mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. The Council recognized that the recent crisis in the buffer strip in Guerguerat raised fundamental questions related to the ceasefire and related agreements and encouraged the Secretary-General to explore ways that such questions could be resolved. The Council decided to extend the mandate of MINURSO until 30 April 2018.

III. Consideration by the General Assembly

21. During the debate held from 2 to 10 October 2017, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 77 petitioners on the question of Western Sahara (see A/C.4/72/SR.4, A/C.4/72/SR.5 and A/C.4/72/SR.7). On 2, 6, 9 and 10 October, Member States addressed, among other things, the issue of Western Sahara. Some of them expressed strong support for the right of the Saharans to self-determination and reaffirmed their support for the relevant General Assembly and Security Council resolutions and the efforts of the Secretary-General and his Personal Envoy. Others expressed the view that the autonomy plan put forward by Morocco offered a realistic and viable option that could provide the best prospect for achieving a mutually acceptable solution to the question (see A/C.4/72/SR.2, A/C.4/72/SR.6, A/C.4/72/SR.8 and A/C.4/72/SR.9).

22. At its 9th meeting, on 10 October, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/72/L.5), submitted by the Chair, which it adopted without a vote.

23. On 7 December, the General Assembly adopted the draft resolution, without a vote, as resolution 72/95. In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue and the ongoing negotiations between the parties, called upon the parties to cooperate with the International Committee of the Red Cross and to abide by their obligations under international humanitarian law, requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its seventy-third session, and invited the Secretary-General to submit to the Assembly at its seventy-third session a report on the implementation of the resolution.